

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOSEPH ANTONE DIXON, )  
Petitioner, )  
v. ) Case No. CIV-21-910-SLP  
SCOTT CROW, )  
Respondent. )

**ORDER**

Petitioner, Joseph Antone Dixon, a state prisoner appearing pro se, commenced this action by filing for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Upon review, United States Magistrate Judge Amanda Maxfield Green issued a Report and Recommendation [Doc. No. 8], recommending the Petition be dismissed based on Petitioner's failure to exhaust state court remedies. In the Report and Recommendation, Magistrate Judge Green advised Petitioner of his right to file an objection by February 22, 2022, and further advised him that failure to make timely objection waives the right to appellate review of both factual and legal issues contained therein. To date, Petitioner has not filed an objection to the Report and Recommendation nor has he requested an extension of time in which to do so. Accordingly, the Court adopts the Report and Recommendation in its entirety.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 8] is ADOPTED and this action is DISMISSED WITHOUT PREJUDICE. A separate judgment of dismissal shall be entered contemporaneously with this Order.

IT IS FURTHER ORDERED that pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, the Court must issue or deny a certificate of appealability (COA) when it enters a final order adverse to a petitioner. When, as here, the district court dismisses a habeas petition on procedural grounds, the petitioner must make this showing by demonstrating both “[1] that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and [2] that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Court finds that reasonable jurists would not debate the correctness of the Court’s determination that the Petition should be dismissed for failure to exhaust state court remedies. The Court therefore denies a COA.

IT IS SO ORDERED this 8<sup>th</sup> day of March, 2022.

  
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SCOTT L. PALK  
UNITED STATES DISTRICT JUDGE